

JC962
08/20/01
U.S. PTO

08-21-01 A

Please type a plus sign (+) inside this box → Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 20]
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 12]

5. Oath or Declaration [Total Pages 1]

- a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)

i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)SEE APPLICATION DATA SHEET ATTACHED
of prior application No. _____

Group Art Unit: _____

Prior application information: Examiner _____
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

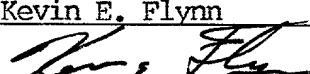
| | |
|--|--|
| <input type="checkbox"/> Customer Number or Bar Code Label | 26108 (Insert Customer No. or Attach bar code label here) |
|--|--|

or Correspondence address below

26108

PATENT TRADEMARK OFFICE

| | | | | | |
|---------|--------------------------|-----------|--------------|----------|------------|
| Name | Daniels & Daniels, P.A. | | | | |
| Address | Post Office Drawer 12218 | | | | |
| | Research Triangle Park | State | NC | Zip Code | 27709-2218 |
| City | UNITED STATES | Telephone | 919 544-5444 | Fax | 9195445920 |

| | | | |
|-------------------|---|-----------------------------------|---------------|
| Name (Print/Type) | Kevin E. Flynn | Registration No. (Attorney/Agent) | 37,325 |
| Signature |  | | Date 08/20/01 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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JC952 U.S. PTO

FEE TRANSMITTAL

for FY 2001

Patent fees are subject to annual revision.

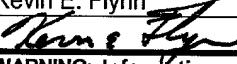
TOTAL AMOUNT OF PAYMENT (\$ 355.00)

| Complete if Known | |
|----------------------|--------------|
| Application Number | Not Assigned |
| Filing Date | Herewith |
| First Named Inventor | Terry et al. |
| Examiner Name | N/A |
| Group/Art Unit | N/A |
| Attorney Docket No. | 0960-020 |

| METHOD OF PAYMENT (check one) | |
|---|--|
| 1. <input type="checkbox"/> | The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: |
| Deposit Account Number | <input type="text"/> |
| Deposit Account Name | <input type="text"/> |
| <input checked="" type="checkbox"/> Applicant Claims Small Entity Status Charge Any Additional Fee Required <input type="checkbox"/> Under 37 CFR 1.16 and 1.17 | |
| 2. <input checked="" type="checkbox"/> | Payment Enclosed: |
| <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other | |

| FEE CALCULATION | | | | |
|--|--------------|--------------|----------|---|
| 1. BASIC FILING FEE | | | | |
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 101 | 710 | 201 | 355 | Utility filing fee |
| 106 | 320 | 206 | 160 | Design filing fee |
| 107 | 490 | 207 | 245 | Plant filing fee |
| 108 | 710 | 208 | 355 | Reissue filing fee |
| 114 | 150 | 214 | 75 | Provisional filing fee |
| SUBTOTAL (1) | | | | (\$ 355.00) |
| 2. EXTRA CLAIM FEES | | | | |
| Total Claims | 11 | Extra Claims | 0 | Fee from Below |
| Independent Claims | 1 | -20**= | 0 | = 0.00 |
| Multiple Dependent | | -3**= | 0 | = 0.00 |
| **or number previously paid, if greater; For Reissues, see below | | | | |
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | (\$ 0.00) |

| 3. ADDITIONAL FEES | Fee Description | Fee Paid | | |
|-----------------------------------|-----------------|-------------------------------|----------|--|
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 105 | 130 | 205 | 65 | Surcharge – late filing fee or oath |
| 127 | 50 | 227 | 25 | Surcharge – late provisional filing fee or cover sheet |
| 139 | 130 | 139 | 130 | Non-English specification |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action |
| 115 | 110 | 215 | 55 | Extension for reply within first month |
| 116 | 390 | 216 | 195 | Extension for reply within second month |
| 117 | 890 | 217 | 445 | Extension for reply within third month |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month |
| 119 | 310 | 219 | 155 | Notice of Appeal |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal |
| 121 | 270 | 221 | 135 | Request for oral hearing |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable |
| 141 | 1,240 | 241 | 620 | Petition to revive – unintentional |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) |
| 143 | 440 | 243 | 220 | Design issue fee |
| 144 | 600 | 244 | 300 | Plant issue fee |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications |
| 126 | 240 | 126 | 240 | Submission of information Disclosure Stmt |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) _____ | | | | |
| Other fee (specify) _____ | | | | |
| *Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) (\$ 0.00) | | |

| SUBMITTED BY | | Complete (if applicable) | |
|-------------------|---|----------------------------------|-----------------|
| Name (Print/Type) | Kevin E. Flynn | Registration No (Attorney/Agent) | 37,325 |
| Signature |  | Telephone | (919) 544 5444 |
| | | Date | August 20, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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D²

DANIELS & DANIELS, P.A.

August 20, 2001

10/08/01
JC952 U.S. PTO

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

1017 U.S. PTO
09/933323
08/20/01

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM

Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000
Docket No. 0960-020

Dear Sir:

Enclosed herewith, please find the following documents:

1. Utility Patent Application Transmittal Sheet (PTO/SB/05) (1 page);
2. Fee Transmittal Sheet (1 page) in duplicate;
3. Check in the amount of \$355.00;
4. U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM based on U.S. Provisional Application Serial No. 60/226,505 filed
August 21, 2000 (20 pages);
5. Twelve (12) sheets of drawings (Figures 1 - 12) for the above-referenced application;
6. Application Data Sheet (3 pages);
7. Facsimile copy of executed Declaration (37 CFR 1.63) for Utility or Design Application
using an Application Data Sheet (37 CFR 1.76) Form PTO/SB/01A (1 page);
8. Petition to Accept Declaration without Signature of Deceased Inventor, (1 page);
9. Facsimile copy of one executed Power of Attorney or Authorization of Agent
(PTO/SB/81) (1 page);
10. Facsimile copy of executed Statement under 37 CFR 3.73(b), Form PTO/SB/96;

Assistant Commissioner for Patents

August 20, 2001

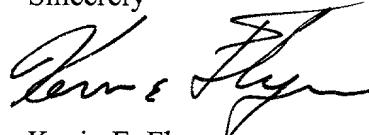
Page 2

11. Copy of recorded Assignment from parent application, U.S. Provisional Application Serial No. 60/226,505 which was recorded on March 26, 2001 at Reel 011652, Frame 0372 (6 pages);
12. Copy of recorded Assignment from parent application, U.S. Provisional Application Serial No. 60/226,505 which was recorded on March 26, 2001 at Reel 011652, Frame 0360 (10 pages); and
13. Return Receipt Postcard.

Sent by Express Mail No. EL801240865US.

Please contact the undersigned should you have any questions.

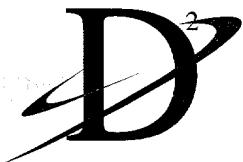
Sincerely



Kevin E. Flynn
Reg. No. 37,325

Enclosures

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DANIELS & DANIELS, P.A.

August 20, 2001

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM
Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000
Docket No. 0960-020

Petition to Accept Declaration without Signature of Deceased Inventor

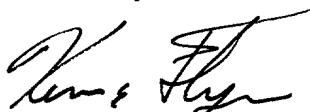
Dear Sir:

Please accept the attached "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" (Form PTO/SB/01A) that is unsigned by John B. Terry who died recently. It is uncertain when Mr. Terry's estate will be sent to probate court and as such, the undersigned requests acceptance of the attached Declaration.

The remaining inventor, Mr. Jeffrey A. Hales has signed the "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" and a facsimile copy is included in the filing.

Please contact the undersigned should you have any questions.

Sincerely


Kevin E. Flynn
Reg. No. 37,325

Enclosures

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